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NATIONAL SECURITY POLICY GROUP MEETING

Friday, October 11, 1985

Cabinet Room

11:00 a.m. - 12:00

ARM TREATY ISSUES

Agenda

**I. Introduction and
Overview of ARM
Treaty Issues**

**Robert C. McFarlane
(15 minutes)**

II. Discussion

**All Participants
(40 minutes)**

III. Summary

**Robert C. McFarlane
(5 minutes)**

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A. Anti-Ballistic Missile Treaty

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| 2. Agreed Statements (U), Common Understandings (U), Unilateral Statements (U), Agreed Statement (1978) (S), Commissioner's Statement Regarding Agreed Statement (1978) (S), and Draft of Common Understanding (1984) (S) Associated with the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (1972) | 3 |
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Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems

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Signed at Moscow May 26, 1972

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Proceeding from the premise that nuclear war would have devastating consequences for all mankind,

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons,

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament,

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States,

Have agreed as follows:

Article I

1. Each party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

Article II

1. For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

- (a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;
- (b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and
- (c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

2. The ABM system components listed in paragraph 1 of this Article include those which are:

- (a) operational;
- (b) under construction;
- (c) undergoing testing;
- (d) undergoing overhaul, repair or conversion; or
- (e) mothballed.

Article III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radar complexes, the area of each complex being circular and having a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-array ABM radars.

Article IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

Article V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.
2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, nor to modify deployed launchers to provide them with such a capability, nor to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

Article VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by this Treaty, each Party undertakes:

- (a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajectory, and not to test them in an ABM mode; and
- (b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward.

Article VII

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

Article VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

Article IX

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

Article X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

Article XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

Article XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.
2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.
3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

Article XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:
 - (a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;
 - (b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed;
 - (c) consider questions involving unintended interference with national technical means of verification;
 - (d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty;
 - (e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty;
 - (f) consider, as appropriate, possible proposals for further increasing the viability of this Treaty, including proposals for amendments in accordance with the provisions of this Treaty;
 - (g) consider, as appropriate, proposals for further measures aimed at limiting strategic arms.
2. The Parties through consultation shall establish, and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

ments, Agreed Statement (1978) and Draft of Common Understanding (1984) Associated with the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems¹

Article XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.
2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

Article XV

1. This Treaty shall be of unlimited duration.
2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

Article XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of Instruments of ratification.
2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

1. Agreed Statements

The texts of the statements set out below were agreed upon and initialed by the Heads of the Delegations on May 26, 1972.

A. The Parties understand that, in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array ABM radars operational on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

B. The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purposes of the Treaty to be three million.

C. The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.

D. In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

E. The Parties understand that Article V of the Treaty includes obligations not to develop, test or deploy ABM interceptor missiles for the delivery by each ABM interceptor missile of more than one independently guided warhead.

F. The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square meters) exceeding three million, except as provided for in Articles III, IV and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification.

G. The Parties understand that Article IX of the Treaty includes the obligation of the US and the USSR not to provide to other States technical descriptions or blueprints specially worked out for the construction of ABM systems and their components limited by the Treaty.

¹ Letter designators in this section have been changed to correspond with those in the text of U.S. Department of State, "Limitation of Antiballistic Missile Systems," TIAS 7503, U.S. Treaties and Other International Agreements, Volume 23, part 4 (1972).

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2. Common Understandings

Common understanding of the Parties on the following matters associated with the ABM Treaty was reached during the SALT I negotiations.

A. Location of ICBM Defenses

The U.S. Delegation made the following statement on May 26, 1972:

Article III of the ABM Treaty provides for each side one ABM system deployment area centered on its national capital and one ABM system deployment area containing ICBM silo launchers. The two sides have registered agreement on the following statement: "The parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers." In this connection, the U.S. side notes that its ABM system deployment area for defense of ICBM silo launchers, located west of the Mississippi River, will be centered in the Grand Forks ICBM silo launcher deployment area. (See Agreed Statement C.)

B. ABM Test Ranges

The U.S. Delegation made the following statement on April 26, 1972:

Article IV of the ABM Treaty provides that "the limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges." We believe it would be useful to assure that there is no misunderstanding as to current ABM test ranges. It is our understanding that ABM test ranges encompass the area within which ABM components are located for test purposes. The current U.S. ABM test ranges are at White Sands, New Mexico, and at Kwajalein Atoll, and the current Soviet ABM test range is near Sary Shagan in Kazakhstan. We consider that non-phased array radars of types used for range safety or instrumentation purposes may be located outside of ABM test ranges. We interpret the reference in Article IV to "additionally agreed test ranges" to mean that ABM components will not be located at any other test ranges without prior agreement between our Governments that there will be such additional ABM test ranges.

On May 5, 1972, the Soviet Delegation stated that there was a common understanding on what ABM test ranges were, that the use of the types of non-ABM radars for range safety or instrumentation was not limited under the Treaty, that the reference in Article IV to "additionally agreed" test ranges was sufficiently clear, and that national means permitted identifying current test ranges.

C. Mobile ABM Systems

On January 28, 1972, the U.S. Delegation made the following statement:

Article V(1) of the Joint Draft Text of the ABM Treaty includes an undertaking not to develop, test, or deploy mobile land-based ABM systems and their components. On May 5, 1971, the U.S. side indicated that, in its view, a prohibition on deployment of mobile ABM systems and components would rule out the deployment of ABM launchers and radars which were not permanent fixed types. At that time, we asked for the Soviet view of this interpretation. Does the Soviet side agree with the U.S. side's interpretation put forward on May 5, 1971?

On April 13, 1972, the Soviet Delegation said there is a general common understanding on this matter.

D. Standing Consultative Commission

Ambassador Smith made the following statement on May 22, 1972:

The United States proposes that the sides agree that, with regard to initial implementation of the ABM Treaty's Article XIII on the Standing Consultative Commission (SCC) and of the consultation Articles to the Interim Agreement on offensive arms and the Accidents Agreement, agreement establishing the SCC will be worked out early in the follow-on SALT negotiations; until that is completed, the following arrangements will prevail: when SALT is in session, any consultation desired by either side under these Articles can be carried out by the two SALT Delegations, when SALT is not in session, ad hoc arrangements for any desired consultations under these Articles may be made through diplomatic channels.

Minister Semenov replied that, on an ad referendum basis, he could agree that the U.S. statement corresponded to the Soviet understanding.

E. Standstill

On May 6, 1972, Minister Semenov made the following statement:

In an effort to accommodate the wishes of the U.S. side, the Soviet Delegation is prepared to proceed on the basis that the two sides will in fact observe the obligations of both the Interim Agreement and the ABM Treaty beginning from the date of these two documents.

In reply, the U.S. Delegation made the following statement on May 20, 1972:

The U.S. agrees in principle with the Soviet statement made on May 6 concerning observance of obligations beginning from date of signature but we would like to make clear our understanding that this means that, pending ratification and acceptance, neither side would take any action prohibited by the agreements after they had entered into force. This understanding would continue to apply in the absence of notification by either signatory of its intention not to proceed with ratification or approval. The Soviet Delegation indicated agreement with the U.S. statement.

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3. Unilateral Statements

(a) The following noteworthy unilateral statements were made during the negotiations by the United States Delegation:

A. Withdrawal From the ABM Treaty

On May 9, 1972, Ambassador Smith made the following statement:

The U.S. Delegation has stressed the importance the U.S. Government attaches to achieving agreement on more complete limitations on strategic offensive arms, following agreement on an ABM Treaty and on an Interim Agreement on certain measures with respect to the limitation of strategic offensive arms. The U.S. Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces. The USSR Delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms. Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms. If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty. The U.S. does not wish to see such a situation occur, nor do we believe that the USSR does. It is because we wish to prevent such a situation that we emphasize the importance the U.S. Government attaches to achievement of more complete limitations on strategic offensive arms. The U.S. Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and the Interim Agreement, of this statement of the U.S. position.

B. Tested in ABM Mode

On April 7, 1972, the U.S. Delegation made the following statement:

Article II of the Joint Text Draft uses the term "tested in an ABM mode," in defining ABM components, and Article VI includes certain obligations concerning such testing. We believe that the sides should have a common understanding of this phrase. First, we would note that the testing provisions of the ABM Treaty are intended to apply to testing which occurs after the date of signature of the Treaty, and not to any testing which may have occurred in the past. Next, we would amplify the remarks we have made on this subject during the previous Helsinki phase by setting forth the objectives which govern the U.S. view on the subject, namely, while prohibiting testing of non-ABM components for ABM purposes: not to prevent testing of ABM components, and not to prevent testing of non-ABM components for non-ABM purposes. To clarify our interpretation of "tested in an ABM mode," we note that we would consider a launcher, missile or radar to be "tested in an ABM mode" if, for example, any of the following events occur: (1) a launcher is used to launch an ABM interceptor missile, (2) an interceptor missile is flight tested against a target vehicle which has a flight trajectory with characteristics of a strategic ballistic missile flight trajectory, or is flight tested in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range, or is flight tested to an altitude inconsistent with interception of targets against which air defenses are deployed, (3) a radar makes measurements on a cooperative target vehicle of the kind referred to in item (2) above during the reentry

portion of its trajectory or makes measurements in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range. Radars used for purposes such as range safety or instrumentation would be exempt from application of these criteria.

C. Non-Transfer Article of ABM Treaty

On April 18, 1972, the U.S. Delegation made the following statement:

In regard to this Article [IX], I have a brief and I believe self-explanatory statement to make. The U.S. side wishes to make clear that the provisions of this Article do not set a precedent for whatever provision may be considered for a Treaty on Limiting Strategic Offensive Arms. The question of transfer of strategic offensive arms is a far more complex issue, which may require a different solution.

D. No Increase in Defense of Early Warning Radars

On July 28, 1970, the U.S. Delegation made the following statement:

Since Hen House radars [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential. Accordingly, the U.S. would regard any increase in the defenses of such radars by surface-to-air missiles as inconsistent with an agreement.

4. Agreed Statement, 1978

November 1, 1978

In accordance with the provisions of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, hereinafter referred to as the Treaty, the Parties thereto have, within the framework of the Standing Consultative Commission, reached mutual understanding regarding the following:

I. Test Ranges Referred to in Article IV of the Treaty

1. The test ranges referred to in Article IV of the Treaty are any test ranges at which an ABM system or at least one ABM launcher, regardless of whether or not it contains an ABM interceptor missile, or one ABM radar is located or constructed for purposes of testing.

2. Any other types of weapons or military equipment may also be located at such test ranges for testing according to their mission or for range safety purposes. Such location, testing, or use of these other types of weapons or military equipment, provided it is consistent with the provisions of the Treaty, shall not constitute a basis for considering them ABM system components.

3. The current test ranges referred to in Article IV of the Treaty are those test ranges which each Party had on the date of signature of the Treaty, that is, on May 26, 1972. Both the USA and USSR had on May 26, 1972, and have at the present time, two

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current test ranges: for the USA in the vicinity of White Sands, New Mexico, and on Johnston Atoll and for the USSR in the vicinity of Sary Shagan, Kazakhstan, and on the Kamchatka Peninsula.

4. Each Party may establish test ranges referred to in Article IV of the Treaty as "additionally agreed" and locate therein for testing ABM systems or their components which are defined in Article II of the Treaty, provided that the establishment of such ranges is consistent with the objectives and provisions of the Treaty and, in particular, the obligations of each Party provided for in Article I of the Treaty not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense.

5. In the event of establishment of an additional test range by either Party, the Party carrying out such action shall provide, within the framework of the Standing Consultative Commission, notification of the location of such a test range no later than thirty days after the beginning of any construction or assembly work, other than earthwork (excavation), associated with locating or constructing at that test range an ABM launcher or antenna (array), ABM radar antenna structures, or an antenna support structure which is not a part of an ABM radar building. After presentation of such notification and, if necessary, clarification in the Standing Consultative Commission of any aspects of this notification which are not clear to the Party being notified, the test range being newly established will be considered an "additionally agreed test range," referred to in Article IV of the Treaty.

The Term "Tested in an ABM Mode" as Used in the Treaty

1. The term "tested in an ABM mode," which is used in Article II of the Treaty for defining ABM system components, refers to ABM interceptor missiles, ABM launchers, ABM radars, which are tested in an ABM mode separately or in conjunction with other ABM system components after the date of signature of the Treaty, that is after July 26, 1972. The term does not refer to components which were tested by the Parties in an ABM mode prior to that date.

2. Testing in an ABM mode is the testing, which, in accordance with the provisions of Articles III and IV of the Treaty regarding locations of ABM systems or their components, is carried out only at test ranges or in an ABM system deployment area, for the purpose of determining the capabilities of an ABM system or its individual components (ABM interceptor missiles, ABM launchers, or ABM radars) to perform the functions of countering strategic ballistic missiles or their elements in flight trajectory.

3. As applied to testing of ABM interceptor missiles, ABM launchers, or ABM radars, the term "strategic ballistic missiles or their elements in flight trajectory," used in the Treaty, also refers to ballistic target-missiles which, after being launched, are used for testing these ABM system components in an ABM mode, and the flight trajectories of which, over the portions of the flight trajectory involved in such testing, have the characteristics of the flight trajectory of a strategic ballistic missile or its elements.

4. The term "tested in an ABM mode" used in Article II of the Treaty refers to: (a) an ABM interceptor missile if while guided by an ABM radar it has intercepted a strategic ballistic missile or its elements in flight trajectory regardless of whether such intercept was successful or not; or if an ABM interceptor missile has been launched from an ABM launcher and guided by an ABM radar. If ABM interceptor missiles are used on the capability to carry out interception without the use of ABM radars as the means of guidance, application of the term "tested in an ABM mode" to ABM interceptor missiles in that event shall be subject to additional discussion and agreement in the Standing Consultative Commission;

(b) an ABM launcher if it has been used for launching an ABM interceptor missile; (c) an ABM radar if it has tracked a strategic ballistic missile or its elements in flight trajectory and guided an ABM interceptor missile toward them regardless of whether the intercept was successful or not; or tracked and guided an ABM interceptor missile; or tracked a strategic ballistic missile or its elements in flight trajectory in conjunction with an ABM radar, which is tracking a strategic ballistic missile or its elements in flight trajectory and guiding an ABM interceptor missile toward them or is tracking and guiding an ABM interceptor missile.

5. The provisions of paragraph 4 of this Section shall be applied taking into account Article VI, subparagraph (a), of the Treaty concerning the obligations of the Parties not to give missiles, launchers, or radars, other than ABM system components, capabilities to counter strategic ballistic missiles or their elements in flight trajectory. The term "tested in an ABM mode" shall not be applied to radars for early warning of strategic ballistic missile attack, or to radars, including phased-array radars, used for the purposes of tracking objects in outer space or as national technical means of verification.

6. The term "tested in an ABM mode" shall not be applied to radars, including phased-array radars, which are constructed and used only as instrumentation equipment for testing of any types of weapons or military equipment.

7. The term "tested in an ABM mode" shall not be applied to a radar, including a phased-array radar, which is not an ABM radar or a radar referred to in paragraphs 5 and 6 of this Section, if strategic ballistic missiles or their elements passed through the field of view of the radar while it was operating in accordance with its mission, and it was not, at that time, performing functions inherent only to an ABM radar, and it was not functioning in conjunction with an ABM radar. In the event that ambiguities arise in the future regarding application of the term "tested in an ABM mode" to individual radars which track strategic ballistic missiles or their elements in flight trajectory, the Parties, in accordance with Article XIII of the ABM Treaty, will consider such questions in the Standing Consultative Commission and resolve them on a mutually acceptable basis.

8. Deployment of radars of a type tested in an ABM mode, except as provided in Articles III and IV of the Treaty, to carry out any functions would be inconsistent with the obligation of each Party not to provide a base for an ABM defense of the territory of its country.

III. Utilization of Air Defense Radars at the Test Ranges Referred to in Article IV of the Treaty

1. Utilization of air defense radars located at or near a test range to carry out air defense functions, including providing for the safety of that range, is not limited by the provisions of the Treaty and is independent of the testing carried out at that range.

2. When air defense components and ABM system components are co-located at a test range, the Parties, in order to preclude the possibility of ambiguous situations or misunderstandings, will refrain from concurrent testing of such air defense components and ABM system components at that range.

3. In utilizing air defense radars as instrumentation equipment at test ranges the Parties will not use such radars to make measurements on strategic ballistic missiles or their elements in flight trajectory.

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Mr. Commissioner, I would like to make the following statement regarding the Agreed Statement which we have just initialed.

FIRST, in paragraph 6 of Section II of the Agreed Statement of November 1, 1978, the Parties agreed that the term "tested in an ABM mode" shall not be applied to radars, including phased-array radars, which are constructed and used only as instrumentation equipment for testing of any types of weapons or military equipment. With respect to such radars the Parties understand that:

- (a) phased-array radars which have a potential exceeding three million may be located only at the test ranges referred to in Article IV of the ABM Treaty;
- (b) phased-array radars which have a potential not exceeding three million and which make measurements on strategic ballistic missiles or their elements in flight trajectory may be located only at the test ranges referred to in Article IV of the ABM Treaty, or at locations to which strategic ballistic missiles are launched for testing;
- (c) phased-array radars which have a potential not exceeding three million and which do not make measurements on strategic ballistic missiles or their elements in flight trajectory may be located anywhere for instrumentation or other purposes not inconsistent with the ABM Treaty;
- (d) non-phased-array radars may be located anywhere for instrumentation or other purposes not inconsistent with the ABM Treaty.

SECOND, in connection with paragraph 7 of Section II of the Agreed Statement of November 1, 1978, the Parties understand that ABM radars, radars for early warning of strategic ballistic missile attack, radars used for tracking objects in outer space or as national technical means of verification, as well as radars constructed and used only as instrumentation equipment for testing of any types of weapons or military equipment can, when operating in accordance with their missions, perform the function inherent to them of tracking strategic ballistic missiles or their elements in flight trajectory.

In addition to the aforementioned radars, both Parties have other radars, including phased-array radars, intended for various missions. When these radars are operating in accordance with their missions, strategic ballistic missiles or their elements might pass through the fields of view of these radars. The passing of strategic ballistic missiles or their elements through the fields of view of such radars will not be equated with tracking of such missiles by these radars and cannot give grounds for either Party to consider that in these cases the radars are being tested in an ABM mode.

If ambiguities arise in the future regarding application of the term "tested in an ABM mode" to individual radars which track strategic ballistic missiles or their elements in flight trajectory, or regarding determination of whether these radars are ABM radars or radars which are not ABM radars, such questions will be subject to consultation in the Standing Consultative Commission in accordance with Article XIII of the ABM Treaty.

THIRD, the Parties, in connection with the Agreed Statement Regarding Certain Provisions of the ABM Treaty, have the common understanding that the Agreed Statement will be used by the Parties in their implementation of those provisions of the ABM Treaty, beginning on the date of initialing of the Agreed Statement by the U.S. and USSR SCC Commissioners, that is, November 1, 1978. Like the statements in connection with paragraphs II.6 and II.7 of the Agreed Statement, this common understanding constitutes a component part of the general understanding reached between the Parties with regard to certain provisions of the ABM Treaty.

Commissioner Ustinov made a statement on 1 November 1978 which was in conformity with Commissioner Buchheim's statement.

SECRET

Common Understanding Related to Paragraph 2 of Section III of the Agreed Statement of November 1, 1978, Regarding Certain Provisions of Articles II, IV, and VI of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, and the Utilization of Air Defense Radars at the Test Ranges Referred to in Article IV of that Treaty

SECRET

Declassified in Part - Sanitized Copy Approved for Release 2012/03/05 : CIA-RDP88B00443R000200910004-9

Version of October 9, 1984

In accordance with the provisions of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, hereinafter referred to as the Treaty, the Parties thereto, in further development of the agreement recorded in paragraph 2 of Section III of the Agreed Statement of November 1, 1978, with a view to precluding the possibility of ambiguous situations at the test ranges referred to in Article IV of the Treaty, have, within the framework of the Standing Consultative Commission, additionally agreed that:

each Party will refrain from launching strategic ballistic missiles to the area of such a test range or from launching ABM interceptor missiles at that test range concurrent with the operation of air defense components located at that range;

In agreeing to the foregoing, the Parties recognize the possibility of circumstances—the appearance of a hostile or unidentified aircraft—in which, for the purpose of providing for air defense, a necessity for the operation of air defense components, located at the test range for carrying out air defense functions including providing for range safety, may arise unexpectedly during the launch of a strategic ballistic missile to the area of the test range or during the launch of an ABM interceptor missile at that range. Should such an event occur, the Party which had such a concurrent operation will, as soon as possible, but within thirty days, provide notification to the other Party describing the circumstances of the event. It will, if necessary, on a voluntary basis, also inform the other Party about the event or hold consultations with it within the framework of the Standing Consultative Commission, as provided for in Article XIII of the Treaty and paragraph 4 of the Regulations of the Standing Consultative Commission.

This Common Understanding constitutes a component part of the agreement reached between the Parties with regard to the provisions of paragraph 2 of Section III of the Agreed Statement of November 1, 1978, and does not affect other provisions of that Agreed Statement or the provisions of the common understandings thereto reached by Commissioners in the Standing Consultative Commission on November 1, 1978.

The provisions of this Common Understanding will be used by the Parties in their implementation of the provisions of the Treaty and the Agreed Statement of November 1, 1978, beginning on the date of the signature of this Common Understanding.

SECRET

Declassified in Part - Sanitized Copy Approved for Release 2012/03/05 : CIA-RDP88B00443R000200910004-9

Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems

Signed at Moscow July 3, 1974
Entered into force May 24, 1976

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Proceeding from the Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics signed on May 29, 1972,

Desiring to further the objectives of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems signed on May 26, 1972, hereinafter referred to as the Treaty,

Reaffirming their conviction that the adoption of further measures for the limitation of strategic arms would contribute to strengthening international peace and security,

Proceeding from the premise that further limitation of anti-ballistic missile systems will create more favorable conditions for the completion of work on a permanent agreement on more complete measures for the limitation of strategic offensive arms,

Have agreed as follows:

Article I

1. Each Party shall be limited at any one time to a single area out of the two provided in Article III of the Treaty for deployment of anti-ballistic missile (ABM) systems or their components and accordingly shall not exercise its right to deploy an ABM system or its components in the second of the two ABM system deployment areas permitted by Article III of the Treaty, except as an exchange of one permitted area for the other in accordance with Article II of this Protocol.

2. Accordingly, except as permitted by Article II of this Protocol: the United States of America shall not deploy an ABM system or its components in the area centered on its capital, as permitted by Article III (a) of the Treaty, and the Soviet Union shall not deploy an ABM system or its components in the deployment area of intercontinental ballistic missile (ICBM) silo launchers permitted by Article III (b) of the Treaty.

Article II

1. Each Party shall have the right to dismantle or destroy its ABM system and the components thereof in the area where they are presently deployed and to deploy an ABM system or its components in the alternative area permitted by Article III of the Treaty, provided that prior to initiation of construction, notification is given in accord with the procedure agreed to by the Standing Consultative Commission, during the year beginning October 3, 1977, and ending October 2, 1978, or during any year which commences at five year intervals thereafter, those being the years for periodic review of the Treaty, as provided in Article XIV of the Treaty. This right may be exercised only once.

2. Accordingly, in the event of such notice, the United States would have the right to dismantle or destroy the ABM system and its components in the deployment area of ICBM silo launchers and to deploy an ABM system or its components in an area centered on its capital, as permitted by Article III (a) of the Treaty, and the Soviet Union would have the right to dismantle or destroy the ABM system and its components in the area centered on its capital and to deploy an ABM system or its components in an area containing ICBM silo launchers, as permitted by Article III (b) of the Treaty.

3. Dismantling or destruction and deployment of ABM systems or their components and the notification thereof shall be carried out in accordance with Article VIII of the ABM Treaty and procedures agreed to in the Standing Consultative Commission.

Article III

The rights and obligations established by the Treaty remain in force and shall be complied with by the Parties except to the extent modified by this Protocol. In particular, the deployment of an ABM system or its components within the area selected shall remain limited by the levels and other requirements established by the Treaty.

Article IV

This Protocol shall be subject to ratification in accordance with the constitutional procedures of each Party. It shall enter into force on the day of the exchange of instruments of ratification and shall thereafter be considered an integral part of the Treaty.

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Protocol on the Review of the Treaty Between the United States of America and the U
Limitation of Anti-Ballistic Missile Systems of May 26, 1972

SECRET

Declassified in Part - Sanitized Copy Approved for Release 2012/03/05 : CIA-RDP88B00443R000200910004-9

Signed at Geneva November 21, 1977

1. In accordance with the provisions of Article XIV of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, hereinafter referred to as the Treaty, which entered into force on October 3, 1972, and was amended by the Protocol thereto of July 3, 1974, the Parties to the Treaty together conducted a review of the Treaty after five years of its operation. By agreement between the Parties, the review was conducted from November 4 to November 21, 1977, in a special session of the Standing Consultative Commission which was convened for that purpose.

2. The Parties agree that the Treaty:

in operating effectively, thus demonstrating the mutual commitment of the USA and the USSR to the goal of limiting nuclear arms and to the principle of equal security, serves the security interests of both Parties, decreases the risk of outbreak of nuclear war, and facilitates progress in the further limitation and reduction of strategic offensive arms, and

Requires no amendment at this time.

3. The Parties note, in connection with the conduct of the review, that:

During the aforementioned period of operation of the Treaty, consultations and discussions have been held in the Standing Consultative Commission on matters pertaining to promoting implementation of the objectives and provisions of the Treaty;

These consultations and discussions have been productive and useful in clarifying the mutual understanding of the Parties concerning certain provisions of the Treaty, in working out appropriate procedures for implementation of its provisions, and in resolving a number of questions related to complete and precise implementation of the provisions of the Treaty.

4. Mindful of their obligation to conduct together a review of the Treaty at five-year intervals, the Parties will continue the process of consultation concerning the implementation, as well as the enhancement of the viability and effectiveness, of the provisions of the Treaty.

5. The Parties reaffirm their mutual commitment to the objectives and provisions of the Treaty and their resolve to maintain and further increase the viability and effectiveness of the Treaty.

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Protocol on the Second Review of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitations of Anti-Ballistic Missile Systems

SECRET

Declassified in Part - Sanitized Copy Approved for Release 2012/03/05 : CIA-RDP88B00443R000200910004-9

Signed at Geneva, December 15, 1982

Pursuant to the provisions of Article XIV of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, hereinafter referred to as the Treaty, which entered into force on October 3, 1972, and was amended by the Protocol thereto of July 3, 1974, the Parties together conducted a review of the Treaty after its second five-year period of operation. By agreement between the Parties, the review was conducted from November 9, 1982 to December 15, 1982 in a session of the Standing Consultative Commission specially convened for that purpose.

During the course of the review, the Parties carefully examined the Preamble and Articles of the Treaty and Protocol and evaluated their implementation in the period covered by the review.

The United States and the Soviet Union each reaffirmed its commitment to the aims and objectives of the Treaty, and to the process of consultation within the framework of the Standing Consultative Commission to promote the implementation of the objectives and provisions of the Treaty and the Protocol thereto of July 3, 1974.

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**Statements by the U.S. and Soviet Sides in Connection with
Signing the Protocol** Declassified in Part - Sanitized Copy Approved for Release 2012/03/05 : CIA-RDP88B00443R000200910004-9
**the United States of America and the Union of Soviet Socialist
Republics on the Limitation of Anti-Ballistic Missile Systems**

**Statement by the U.S. Side in Connection with Signing the Protocol on the Second
Review of the Treaty Between the U.S.A. and the USSR on the Limitation of ABM
Systems**

December 15, 1982

The U.S. side notes that the United States proposed no amendments to the Treaty at this time.

**Statement by the Soviet Side in Connection with Signing the Protocol on the
Second Review of the Treaty Between the USSR and the U.S.A. on the Limitation of
ABM Systems**

December 15, 1982

The Soviet Union believes that the Treaty is operating effectively, serves the security interests of both sides, and requires no amendment at this time.

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USSR INTERNATIONAL AFFAIRS
ARMS CONTROL & DISARMAMENT

* It would evidently not be inappropriate to remind some people in Washington yet again that the antimissile defense treaty (Article 5) prohibits both the development [sozdaniye] and testing of space-based antimissile defense systems or components. The treaty provisions relate to any systems designed, as defined in Article 2, for fighting against strategic ballistic missiles or their elements on flight trajectories. Since the antimissile defense components being created within the "star wars" program are designed for precisely this purpose, that is are intended to replace the antimissiles mentioned in the treaty (or to act together with antimissiles), all provisions of the treaty relate to these, regardless of the degree of "exoticness" of their principles of operation. It is high time the irresponsible "interpreters" [tolkovateli] from Washington gave up their useless and dangerous occupation, listened to the voice of the world public, which they are trying to delude, and directed their efforts to positive goals. And they do have something to think over: The set of Soviet initiatives offers broad scope for constructivism. *

U.S. OFFICIALS MEETING TO DISCUSS GORBACHEV PROPOSALS

LD081805 Moscow TASS in English 1728 GMT 8 Oct 85

[Text] Washington, October 8 TASS -- U.S. officials in Washington and Geneva are holding a series of conferences and consultations at which they examine the Soviet proposals put forward by the General Secretary of the CPSU Central Committee Mikhail Gorbachev. According to THE WASHINGTON POST, some of the officials suggest that the differences between the USSR and the U.S. in the approach to the reduction of the number of missiles and bombers which are mentioned in the proposals can be overcome so that the U.S. President and the general secretary of the CPSU Central Committee could reach agreement at the coming Geneva meeting on further directions of such talks.

Speaking in the White House at a meeting with heads of the "Reagan-Bush" committee, U.S. President Reagan said, among other things, that the U.S. would further seek to cooperate with the Soviet Union for the sake of resolving the existing problems, to work for reaching arms reduction agreement which would be just and verifiable and to lay foundations for a safer life in the present-day world.

The coming Soviet-American summit meeting was also in the centre of attention of a conference between President Reagan and the NATO Secretary General Carrington. According to a representative of the President, Reagan stressed his striving for the meeting to be "constructive".

Carrington said at a press conference held at the Department of State that NATO displayed considerable interest in the aspect of the Geneva meeting dealing with arms control. He described as favourable the fact that the Soviet Union had put forward its new proposals on arms limitation. According to Carrington, for a long time the Soviet Union has not come up with concrete proposals which, besides, would be as detailed as these ones. This fact should be welcomed, he said. In his opinion, the latest Soviet initiative is not necessarily aimed at splitting NATO, as some people in the West say.

At the same time, it has been reported that the U.S. Assistant Secretary of Defense Richard Perle held a conference in Brussels which analyzed a joint stand of the NATO member states concerning the approach to the Soviet initiatives. In an interview after the conference Perle asserted, contrary to real facts, that there was no urgent call for changing the U.S. stand at the Geneva talks in connection with the Soviet proposals to reduce by half the nuclear weapons that could reach the Soviet and American territories. At the same time Perle had to admit that some representatives of the European members of NATO said that it would be a mistake to turn down the Soviet proposals as not requiring examination.

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THE WASHINGTON POST

THURSDAY, OCTOBER 10, 1985 A31

New Reading of ABM Pact Decried

Fascell's Panel to Question Shultz About Treaty Next Week

By Don Oberdorfer
Washington Post Staff Writer

House Foreign Affairs Committee Chairman Dante B. Fascell (D-Fla.) yesterday denounced the Reagan administration's new interpretation of the 1972 Antiballistic Missile treaty as "incredible" and said the panel will question Secretary of State George P. Shultz on the issue next week and hold full hearings soon.

In a statement issued through the committee, Fascell said the new interpretation "jeopardizes arms control as embodied in the ABM treaty" and "would legitimize Soviet antiballistic missile defense activities which the administration has been so critical of in recent days."

Aides to Fascell said no one consulted Congress about the new interpretation, which Fascell called "a fundamental decision" with "serious and far-reaching implications."

A senior White House official said Tuesday that it is now administration policy that an "agreed statement" attached to the 13-year-old treaty permits testing and development of ABMs using "other physical principles" such as lasers and directed-energy weapons.

Many elements of the administration's Strategic Defense Initiative, or "Star Wars," program are based on such exotic technology.

This position, first expressed by national security affairs adviser Robert C. McFarlane on "Meet the Press" last Sunday, reverses legal interpretations by the Reagan administration and its predecessors since the signing of the ABM treaty.

Among questions about the new interpretation that Fascell said must be examined are its effect on next month's summit meeting of President Reagan and Soviet leader Mikhail Gorbachev, the effect on the Geneva negotiations over the recent Soviet offer of a 50 percent cut in nuclear forces in return for

limitations on strategic defense, and its impact on "assurances given by this administration to our closest allies in NATO," the North Atlantic Treaty Organization.

An administration official, who asked not to be quoted by name, said the administration case is based in part on absence of a clear statement about application of the "agreed statement" on the part of Soviet representatives during the ABM treaty negotiations or thereafter.

In the absence of such a flat statement, the official asserted, ABM restrictions are "a matter for interpretation."

THURSDAY, OCTOBER 10, 1985

As the maneuvering on arms control continues in Geneva, Washington has revised its position on the ABM treaty to account for 'star wars.'

White House unifies arms control stand

By Charlotte Saikowski
Staff writer of The Christian Science Monitor

Washington

As the superpower summit nears, the Reagan administration is working hard to give the President's controversial "star wars" program credibility.

Among recent developments:



Taking a strong stand for SDI program

- It has revised its interpretation of the 1972 Anti-Ballistic Missile Treaty, saying it permits testing and development of exotic space-based weapons.

- It is promoting an intelligence report showing that the Soviets are engaged in strategic defense efforts and have "an extensive, multifaceted, operational" defensive system that dwarfs the US effort.

- It is reaffirming the US need to strengthen its deterrent capability in the face of Moscow's military

buildup and to develop a defensive strategy that moves away from a reliance on nuclear weapons and the doctrine of "mutual assured destruction."

Spelling out the nation's changing strategy, Defense Secretary Caspar Weinberger yesterday declared that a strong Strategic Defense Initiative (SDI) research program is essential to prevent the Soviets from achieving a breakthrough in strategic defense and perhaps breaking out of the ABM treaty.

"If they could deploy today a strategic defense that significantly advanced their interests, who doubts that they

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cal criticism of our program?" he said in remarks prepared for a luncheon meeting of the National Press Club. "A vigorous American strategic defense program is thus essential to ensure that we do not awake some day to find the Soviets rushing to full-scale deployment."

"Of course, we will not give it up," he stated.

As Mr. Weinberger laid out the rationale for the administration's military expansion, arms control advocates criticized a shift in the administration's interpretation of the ABM treaty. National-security adviser Robert C. McFarlane stated over national television last Sunday that the so-called Agreed Statement D between the US and Soviet sides at the time the treaty was signed "provides that research on new physical principles or other physical principles is authorized as is testing and development." He had in mind such exotic technologies as lasers and particle beams.

Administration officials say the new US position was worked out after careful study by State and Defense Department lawyers. But it has drawn fire from the independent arms control community.

According to Gerard C. Smith, who helped negotiate the ABM treaty, Agreed Statement D was meant to supplement Article 3 of the treaty which (as amended by a 1974 protocol) permits the deployment of a limited number of fixed, land-based ABM missiles, launchers, and radars based on then-current technologies.

Hence Agreed Statement D implicitly permits research, development, and testing of fixed, land-based ABM systems using exotic technologies, says Mr. Smith. SDI, however, involves space-based defense systems.

Article 5 of the treaty bans the development, testing, or deployment of ABM systems or components which are sea-based, air-based, space-based, or mobile land-based. This in the view of arms control

specialists, precludes development or testing of SDI components.

As the debate over SDI continues, arms experts suggest that Moscow itself has shored up Reagan administration hard-liners on arms control. By submitting an arms control proposal that retreats from some previous Soviet positions on offensive weapons — and insists on banning "star wars" — the Soviets have given ammunition to administration hard-liners who do not want an agreement.

At the same time they have made it more difficult for arms control pragmatists in the bureaucracy to push a more-moderate point of view.

As a result, the bureaucratic conflicts and splits that have marked past policymaking on arms control seem to be submerged, at least for the moment.

"The Soviets have missed an opportunity," says an official of the Arms Control Association. "Instead of focusing just on SDI, the only real obstacle to an agreement, they cluttered up their proposal with things already agreed to and taken the heat off SDI."

Administration hard-liners like Secretary Weinberger and Assistant Defense Secretary Richard Perle clearly want the President to stick by his position that "star wars" is not negotiable. They view Moscow's recent arms proposal as aimed at scuttling the Reagan SDI program.

The more-moderate elements in the administration, including Secretary of State George Shultz, also rule out bargaining over SDI, reflecting a fairly consistent administration response to Moscow's opening bid. But they are carefully steering a middle ground, voicing disappointment over the particulars of the Soviet proposal while suggesting it holds out promise for achieving an arms control agreement.

It is Moscow's linkage of deep reductions in offensive weapons to a halt of the SDI program which is the focus of most debate, however.

"It's a precondition that must be dropped," said a senior administration official.

White House Revises Interpretation of ABM Treaty

By Don Oberdorfer
Washington Post Staff Writer

A-21

The Reagan administration, reversing the legal interpretations of previous administrations and some of its own past statements, has decided that testing and development of exotic antiballistic missile systems such as those in the "Star Wars" program are permitted under the 1972 ABM treaty.

The administration's new interpretation of the treaty was confirmed yesterday by a senior White House official who briefed reporters on U.S. objections to the recent Soviet offer of a 50 percent cut in certain offensive missiles in return for a ban on Reagan's Strategic Defense Initiative, or Star Wars. The Soviet offer was described in the briefing as "a place to start" but in its present form one-sided and threatening to U.S. security.

White House national security affairs adviser Robert C. McFarlane volunteered a new interpretation of the 13-year-old Antiballistic Missile Treaty in a television program Sunday. Yesterday the senior White House official, who cannot be identified under the ground rules of the news briefing, confirmed that McFarlane's televised remarks reflected what is now the fixed policy of the administration.

Retired ambassador Gerard Smith, chief U.S. negotiator of the ABM treaty, said the administration's interpretation "makes a dead letter" of the treaty. Smith said he believes it would make possible almost unlimited testing and development under Star Wars, and probably also actual "building" of the space-based antimissile system "as long as you did not deploy."

Administration sources said a new interpretation of the treaty had been under discussion and, at times, intense debate since last summer within the administration's Senior Arms Control Group, or SAC-G.

The administration was moving in the direction indicated by McFarlane in recent weeks—though not to the point of claiming the treaty "authorized and approved" the testing, which were the words McFarlane used Sunday. In administration discussions, sources said, the issue was whether the treaty could be interpreted as permitting such activities. A final decision was "not completely clear" even after

McFarlane made his remarks on "Meet the Press," an official said.

One official said the still-secret negotiating record of the ABM treaty is "ambiguous" on the point in question and subject to "a well justified disagreement" within the government. However, this view is disputed by Smith and John Rhinelander, legal counsel to the U.S. delegation that negotiated the ABM treaty.

The nub of the issue is whether an "agreed statement D" between the U.S. and Soviet delegations at the time of the treaty signing on May 26, 1972, gives a broad exemption from the restrictions of the treaty for future types of ABM systems "based on other physical principles" such as lasers and directed-energy weapons. Many elements of the administration's Star Wars research program are based on such exotic technology.

The purpose of agreed statement D, it said, was "to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the treaty," which originally allowed both countries to maintain two conventional ABM systems, based on antimissile missiles.

The agreed statement said that if new ABM systems "based on other physical principles" are created in the future, "specific limitations on such systems and their components would be subject to discussion . . . and agreement in accordance with Article XIV of the treaty"—the article explaining how the treaty could be formally amended.

Until the administration's recent change of mind, that had been interpreted to mean that testing and development of exotic technologies were not legal, except possibly for new versions of fixed, land-based systems that the treaty allowed. Article V of the treaty formally precluded any testing or deployment of "ABM systems or components which are sea-based, air-based, space-based or mobile land-based."

Previously the administration's plans for tests of elements of Star Wars have been justified as complying with the ABM treaty on completely different grounds: that these projects were of such low quality, power or reliability that they did not qualify as "components" of an ABM system, or that they could be modified so as not to appear to be part of an illegal system.

Smith and Rhinelander said it was wrong to interpret the "agreed statement" as sanctioning testing of ABM systems or components that are flatly ruled out elsewhere in the treaty. "It is just impossible that an agreed statement supersedes a provision of the treaty," Smith said.

The administration's 1983, 1984 and 1985 Arms Control Impact Statements submitted to Congress by the Arms Control and Disarmament Agency took the position that the ABM treaty does put restrictions on ABM programs based on "directed energy technology" or other exotic technology "when such DE programs enter the field testing stage." The 1986 Arms Control Impact Statement, submitted this April, omitted that statement.

The senior official who confirmed the administration's current position said the Soviet Union had never accepted an interpretation of the treaty that banned "research, testing, development of systems based on other physical principles."

The official said there had been "unilateral statements" made that the treaty ought to limit such exotic systems but he added that "never have the Soviets bought that."

The proposed cutbacks in the new Soviet arms control offer are "inappropriately linked" to the demand that the United States stop its Star Wars program, the senior official told reporters yesterday. "It's a precondition that must be dropped," he said.

That the Soviets have made an offer of deep cuts is "a very good development," and a sign that Reagan's policies have paid off, the official said. U.S. negotiators will pursue the details in Geneva, he added.

Most of the White House presentation, though, was centered on objections to the Soviet proposal, especially inclusion of U.S. Euromissiles and "forward based systems" among the strategic weapons to be cut by half. This would produce "highly unequal" forces with great advantages to Moscow, the official said.

Those two categories, described as support for U.S. allies, were said to consume 1,149 of the U.S. entitlement of 1,680 strategic nuclear delivery systems under the Soviet plan. The United States would thus have only 531 missiles or bombers left for deterrence against Soviet nuclear attack, and these would be threatened by a much larger number of Soviet weapons.

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U.S. curtailing its SDI research due to ABM treaty, officials say

By Walter Andrews
THE WASHINGTON TIMES

President Reagan yesterday repeated his promise not to abandon his Strategic Defense Initiative, but some government officials contend the research program already is being limited by past agreements.

Richard Perle, assistant secretary of defense for international security policy, said the United States is curtailing its SDI testing to stay within terms of the 1972 ABM treaty.

"We are adjusting our program so that we stay within the terms of the treaty, and test only those things the treaty permits," Mr. Perle said on a recent news program.

The 1972 Anti-ballistic Missile treaty prohibits testing of ABM weapons prototypes, but allows testing of components and subsystems.

The "rub" comes in defining whether the item to be tested is an ABM weapon, a component or a subsystem. Critics of the treaty say it is honeycombed with loopholes that the Soviets regularly violate.

A member of the congressional team observing the ongoing arms control talks, Sen. Malcolm Wallop, Wyoming Republican, detailed several SDI research programs whose testing was being curtailed to comply with the spirit of the ABM treaty.

In a telephone interview, Mr. Wallop said U.S. compliance officers have "neu-

tered" testing of a space-based system called the Airborne Optical Adjunct, an optical—rather than a radar—detection system mounted in aircraft that would give warning of an attack, track and target enemy missiles.

Because of State Department fears of violating the spirit of the ABM treaty, he said an infrared sensor, critical to missile tracking, has been removed from the system's testing.

Mr. Wallop said that Congress has cut \$100 million from the Airborne Optical

NEWS ANALYSIS

Adjunct's 1986 budget because its development is so far ahead of other SDI subsystems.

He said the United States should take a page from the Soviet book and declare the airborne optical system an early warning system, or one designed to intercept shorter-range, battlefield tactical missiles—not intercontinental-range, strategic missiles covered by the ABM treaty.

Mr. Wallop said treaty compliance officers also have limited the testing of two other space defense systems—the so-called Homing Overlay experiment and testing of the American anti-satellite [ASAT] weapon as an anti-missile weapon.

The Homing Overlay is a rocket-launched device that destroys a target,

such as an in-coming warhead, by literally catching it in a metal net. It is guided by an infrared sensor that homes on heat coming from the target silhouetted against the empty chill of space. The Pentagon announced the first successful intercept of a dummy warhead in June of 1984 using a Homing Overlay.

Compliance officers have limited tests since then by forbidding testing of more than one metal net on a single rocket, Mr. Wallop said. The nets spring open after leaving the rocket.

The senator said he also suspects, but has no proof, that compliance officers forced the SDI program to abandon testing of two important systems on recent space shuttle flights. He identified these as the optical pointing and tracking "Talon Gold" and large laser designating "Lode" experiments.

He said both systems had been "delayed and descope," that is testing had been deferred.

Mr. Reagan, speaking yesterday to a group of Reagan-Bush supporters at the White House, said work will continue on his space-based missile defense system.

"We will continue to try to work with the Soviet Union to solve problems, work for an agreement to reduce the weapons of war in a manner that is equitable and verifiable and build a foundation for a safer world," Mr. Reagan said.

"I'm going to do my part. That's why I am determined to pursue our research program to explore the feasibility of strategic defenses, a security shield that could protect the United States and our allies from a missile attack. It must go forward. It will go forward. It is not a bargaining chip."

McFarlane Faults Soviet Arms Plan

By Lou Cannon
Washington Post Staff Writer

National security affairs adviser Robert C. McFarlane said yesterday that the Soviet proposal for a 50 percent cut in nuclear warheads would increase Moscow's ability to launch a "first strike" against the United States but that the plan also offers a "constructive beginning" for superpower negotiations.

Appearing on NBC's "Meet the Press," McFarlane appeared to be trying to steer a middle course between those welcoming the Soviet proposal and those saying it would put the United States at a disadvantage. Both points of view are represented in the Reagan administration.

Presenting U.S. objections to the plan put forward by Soviet negotiators in strategic arms talks at Geneva last week, McFarlane said Soviet leader Mikhail Gorbachev "is telling us, if you will get rid of your defense, I will get rid of your offense."

Part of the Soviet proposal calls for "cessation of work" on the Strategic Defense Initiative, President Reagan's proposal for a missile defense. McFarlane defended it yesterday in general terms without saying what, if any, limits the president would accept on testing and development of the system.

Asked if he thought that the Soviets would insist that the United States accept at least some limitations on SDI as a condition for proceeding with arms-reduction negotiations, McFarlane said, "I don't think so."

Reagan, in a speech Friday, reiterated his commitment to "research and testing" of SDI.

On the Mideast peace issue, McFarlane said "some milestones of progress" could be achieved "within a month's time" but declined to be specific. U.S. officials said last week that they were making some progress on obtaining international auspices for peace talks involving Jordan, Israel and Palestinian representatives.

Israel Prime Minister Shimon Peres, who is to visit here Oct. 16, said last week that Israel would be willing to accept involvement of permanent members of the U.N. Security Council with whom it has diplomatic relations—the United States, Britain and France.

On Saturday night, according to diplomatic sources, Secretary of State George P. Shultz telephoned Israeli Foreign Minister Yitzhak Shamir to assure him that U.S. policy toward Israel or terrorism has not changed despite adoption of a Security Council resolution condemning Israel's raid against the Palestine Liberation Organization in Tunisia last week in which Tunisians were killed.

On SDI, McFarlane said in yesterday's interview that Reagan intends to pursue SDI "through a vigorous research testing program, which is clearly consistent with the [1972] ABM Treaty."

McFarlane asserted that research, testing and development of new defensive weapons "involving new physical concepts," as much of the SDI technology does, "are approved and authorized by the treaty. Only deployment is foreclosed," he added.

The ABM Treaty, which outlaws space-based missile-defense systems, includes an "agreed statement" that is its only reference to exotic new weapons based on "other physical principles." The statement says that "to ensure fulfillment of the obligation not to deploy ABM systems" in space, in the air or at sea, the two superpowers agreed that any new type of anti-missile system "would be subject to discussion . . . and agreement" in accordance with the provision of the treaty explaining how it could be amended.

Asked yesterday about McFarlane's claim that the ABM Treaty approves and authorizes SDI testing and development, Gerard C. Smith, the Nixon administration official who negotiated it, said, "He's got it all screwed up."

Smith, director of the Arms Control and Disarmament Agency in the first Nixon administration, said the treaty "just doesn't" allow testing on space-based systems. "All that is permitted for space-based systems is research," Smith said. "That means in a laboratory."

Informed of Smith's comments, McFarlane said, "It's a simple matter of reading the text. The fact of the matter is that when you are dealing with new principles—and by that we mean principles other than ground-to-air missiles—research other than pure research in the laboratory is allowed."

Detailing U.S. objections to the Soviet proposal, McFarlane said, "... The proposal is not 50 percent of offensive, strategic missiles.

"It is 50 percent, counting U.S. systems, of not only strategic, but of medium-range systems, of aircraft . . . and of systems that don't have any relevance to the strategic equation. In addition, it excludes on the Soviet side . . . over 1,300 warheads on SS20s that threaten our allies.

"In so many words, it says that it's all right for the Soviet Union to threaten Europe, but it isn't all right for Europe to defend itself," McFarlane said. "In a nut shell, it requires the United States to choose whether we will defend our allies or we will defend ourselves, for in the limits they propose you couldn't do both."

Later in the program, McFarlane took a more positive tone. For years, the United States has urged the Soviets to agree to limits on offensive missiles. McFarlane was asked why he did not "declare a victory" over the new proposal. He clapped his hands and said, "I do applaud the commitment to reductions, and I don't mean to be frivolous about that. There are elements in that proposal that we find a very constructive beginning but

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Behind the Hard Line

Reagan Rhetoric May Conceal Flexibility

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By Lou Cannon
Washington Post Staff Writer

On the face of it, President Reagan has struck a hard and seemingly nonnegotiable position on behalf of the Strategic Defense Initiative (SDI), his hope of finding an effective shield in space against Soviet nuclear missiles.

In speeches and news conferences Reagan has pledged unwavering determination not to yield on "Star Wars" when he meets Soviet leader Mikhail Gorbachev at their Geneva summit Nov. 19-20. On Friday, at a political speech in New Jersey, he said it again: "We will go forward with seeing if it cannot be made into a great protector of our people and the people of the world." But presidential aides and advisers who are involved in summit preparations suggest that Reagan is more flexible about Star Wars than he seems and more interested in reaching an accommodation with the Soviets than his rhetoric indicates.

"He has left running room," a senior White House official said last week, describing what he perceives as his boss' intentions, even if they are not fully consistent with his public statements.

Some aides say that Reagan has laid down "a hard marker" for the Soviets to let them know he would never give ground on SDI unless they make truly substantial cuts in their heavy, land-based intercontinental ballistic missiles. One Reagan associate familiar with the way Reagan bargains said the president will demonstrate that he is "a tough negotiator" but recognizes that the aim of any negotiation is to strike an agreement.

And one administration official suggested that swapping Star Wars for really deep cuts in Soviet missiles would be akin to "a sting" operation—a trade of a visionary idea that many consider impractical for tangible reductions of existing and threatening weapons.

On the other hand, the president's aides and associates are avoiding predictions that Reagan

and Gorbachev will strike a bargain in Geneva. They acknowledge how difficult that will be, given the suspicions on both sides and Reagan's genuine enthusiasm for SDI.

Reagan, who was president of the Screen Actors Guild in the late '40s and early '50s and led the union in its first successful strike, takes negotiations seriously. He has reminisced that he once settled a contract for the guild during a chance meeting in the washroom with the negotiator for the other side.

"You don't see a lot of pride expressed by Ronald Reagan, but in this area he takes pride," then-deputy chief of staff Michael K. Deaver said in 1983. "He thinks of himself as a negotiator, and he knows when to compromise."

Throughout his career Reagan has followed a set of basic principles in negotiating. He takes a firm opening stand, refuses to make what he calls "preemptive concessions," keeps his cards close to his vest and strikes a bargain only when the negotiation is in danger of being lost. Typically, he also uses some of his most inflexible rhetoric just before he strikes a deal.

As governor of California, Reagan said his feet were "set in concrete" against state income tax withholding, then approved it and blandly told reporters, "The sound you hear is the concrete cracking around my feet."

During the first two years of his presidency, Reagan vowed that he would keep the Social Security system intact. But in 1983 his top aides took the lead in negotiating money-saving changes in the system when Social Security faced a financial crisis, and Reagan took credit for having saved the system.

In 1982, a year after he had pushed major income tax cuts through the Congress, Reagan agreed to a "corrective" measure that raised \$100 billion in new revenue. And in September, less than a month after declaring his opposition to "punitive sanctions" against South Africa, the president headed off congressional action by imposing sanctions recommended by national security affairs adviser Robert C. McFarlane and chief of staff Donald

T. Regan.

All of these negotiations demonstrated different levels of Reagan's involvement and awareness. On the Social Security issue he was a canny negotiator who refused to sign off on any deal before House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) had done so first.

On the tax bill, Reagan let aides convince him that the bill was really a "tax reform" that corrected "unintended loopholes" of the previous year's bill. And in dealing with South Africa, as one Republican put it, Reagan simply recognized "the reality of having a political gun at his head."

Striking a bargain at Geneva involving SDI would appear to be far more difficult than Reagan's past bargaining successes. Soviet suspicions about Reagan and the president's distrust of the Soviets run deep. The issues involved are highly technical and thoroughly unresolved. So far, U.S. and Soviet negotiators in the strategic arms talks at Geneva have made no progress in narrowing differences on SDI.

"The president has made very clear that he thinks we not only have no alternative but to investigate the scientific feasibility of defensive systems but that it would be irresponsible not to do so," a senior administration official said Friday. "I'm absolutely sure that any agreement that constrains our ability to do that is unacceptable and should be unacceptable."

But this official added that the United States "would like to" discuss "the whole relationship" between offensive and defensive systems.

"The president is not only willing to discuss them, he wants to discuss them," the official added.

Some officials suggest that the very vagueness of SDI makes it ideal negotiating fodder for Reagan at Geneva. While insisting that his program proceed, Reagan has never said how much of it has to go on, or at what pace.

The Soviets also been vague. Gorbachev, in his interview with Time magazine last month, accepted the idea of "fundamental research," but did not define this term. Both sides have acknowledged that pure research cannot be monitored or effectively limited by international negotiations.

Reagan has lately used the phrase "research and testing," and McFarlane has argued that "testing" is permitted under the 1972 Antiballistic Missile Treaty that

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explicitly bans "development" and "deployment." But neither the president nor his national security adviser have said how much testing is necessary or how long it should continue.

"Definitions are critical," an official said last week. "If we can come to some broad agreement on terms and if the Soviets are convinced that Reagan is both serious and flexible, then it might be possible for the negotiators at Geneva to work out a specific agreement after the summit. That would be a real breakthrough."

One problem with achieving such a "breakthrough," in the view of some participants in the process, is that Reagan may have oversold himself on SDI. One Republican congressman who thinks that SDI might be useful in protecting U.S. missile installations and in discouraging a Soviet first strike thinks that Reagan mistakenly believes, as he said at his last news conference, that it is the path to "entirely" eliminate nuclear weapons.

Privately, Reagan reinforces the view that he is heavily sold on SDI by referring to it as "a nuclear shield" or "umbrella" that will protect people as well as missile sites. Such statements, if repeated at Geneva, could reinforce the deepest Soviet fears about SDI and make practical negotiations difficult.

Nonetheless, officials say that Reagan has held discussions with his staff about limiting SDI, although not in great detail. One official who is aware of these discussions said that Reagan does not even want to acknowledge them because they obviously devalue a potential deal. This official said he believes that Reagan wants to be an effective negotiator with Gorbachev

"and that means you don't show your hand early."

Some of those who think a swap of SDI development for cuts in Soviet offensive weapons is a realistic possibility are relying on McFarlane, who is believed to understand the potential of such a bargain, and on former president Richard M. Nixon, one of the outside experts whom officials say Reagan is consulting before he goes to Geneva.

In the current issue of Foreign Affairs, Nixon makes the case that "deployment [of SDI], as distinguished from research, for defense of our missile fields is the ultimate bargaining chip We should agree to limit our deployment of defensive weapons *only* if the Soviets significantly reduce and limit their offensive weapons."

In addition to McFarlane and Nixon, Nancy Reagan and the Reagans' friend Deaver, who has been brought into the White House to help advise on aspects of "public diplomacy" before Geneva, are seen as favoring a bargain with the Soviets, if one is realistically possible.

"For a long time Nancy has seen the potential of Reagan being regarded as a 'peace president,' which she truly believes he is," said another friend of the Reagans. "She is very influential."

Whether anyone will be influential enough with Reagan to lead him to bargain away the active development of a system he has come to regard as the "great protector of our people" remains a large question. But despite Reagan's public statements to the contrary, there are those in his official family who think he is moving in this direction.

Staff researcher James Schwartz contributed to this report.

How Reagan Sees SDI

Recent comments by President Reagan on whether the United States would be willing to abandon research on the Strategic Defense Initiative (SDI):

■ March 11, an interview in Newsweek:

Q. Will [SDI] be read [by the Soviets] as a bargaining chip?

A. They will find out very quickly that it isn't because—no, what we're doing is not prevented by any treaty—research, there it is.

■ April 29, an interview with journalists representing overseas media:

And it seems to me that if there is the possibility of having the deterrent that is more based on defensive weapons, which doesn't kill people but only kills weapons, that then we should be moving in that direction at the same time that we continue our effort to get the reduction between us of nuclear weapons.

■ May 23, answers to questions from Il Tempo of Italy:

We firmly oppose the idea that progress in any one area of the negotiations should or must be held hostage to progress in any other area.

■ July 13, in a national radio address:

As the Book of Luke says: "If a strong man shall keep his

court well guarded, he shall live in peace." Well, SDI, our Strategic Defense Initiative, could prove crucial to guarding security and peace for America and her allies.

■ Aug. 22, in a speech in Los Angeles:

We keep hearing some self-declared experts and some of those blame-America-first crowd saying that our SDI concept is unfeasible and a waste of money. Well, if that's true, why are the Soviets so upset about it? As a matter of fact, why are they investing so many rubles of their own in the same technologies?

■ Sept. 17, in a nationally televised press conference:

Q. Would you be willing to explore the possibility of a tradeoff on the space weapons for big cuts in the Soviet arsenal?

A. No, we're talking about the Strategic Defense Initiative now It is purely to see if we can find a defensive weapon so that we can get rid of the idea that our deterrence should be the threat of retaliations, whether from the Russians toward us or us toward them, of the slaughter of millions of people by way of nuclear weapons.

■ Oct. 5, in a speech in Parsippany, N.J.:

I ain't going to do it.